HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

WRIT PETITION No.8669 OF 2005

Between:

Gayam Satyanarayana Reddy

… Petitioner

AND

The Deputy Secretary to the Govt. of India,
Ministry of Home Affairs,
Freedom Fighters Division,
Lok Nayak Bhavan, Khan Market,
New Delhi and three others

… Respondents

:: O R D E R ::

Counsel for the petitioner : Shri S. Sreenivas Reddy

Counsel for respondent No.1 : Smt. H. Seetha Devi
Central Government
Standing Counsel

Counsel for respondent Nos. 2 to 4 : Government Pleader for

Revenue

March 21, 2007

In this petition, the petitioner has prayed for issue of a mandamus to the respondents to sanction pension to him under Swatantrata Sainik Samman Pension Scheme, 1980 (for short, 'the Scheme').

In paragraph 40 of the counter filed by him, Shri S.D. Kaushik,

Under Secretary, Ministry of Home Affairs, Government of India has averred that the petitioner's claim can be processed only after receipt of the recommendations of the State Government.

Learned Government Pleader for Revenue says that the petitioner's claim for grant of pension is under consideration and appropriate recommendation will be made by the State Government after receipt of the report from the District Collector, Nalgonda.

In view of the statements made by the learned counsel for the respondents, the writ petition is disposed of with the following directions:

1) Within one month from today, District Collector, Nalgonda shall submit his report to the Revenue Secretary (Freedom Fighters Division), Government of Andhra Pradesh.

2) Within one month from the receipt of report of the District Magistrate, the competent authority in the Revenue Department shall process the petitioner's case and make appropriate recommendations to the Government of India.

3) If the State Government comes to the conclusion that the petitioner is not eligible/entitled to receive pension under the 1980 Scheme, then the same be communicated to him by registered post.

4) If the State Government sends positive recommendations to the Central Government, then the competent authority assigned with this task shall examine the same and take appropriate decision within next two months. The decision of the Central Government shall be communicated to the petitioner

at the end of two months period by registered post.

5) If the petitioner is found eligible and entitled to receive pension under the 1980 Scheme, then necessary direction be issued to the concerned authority for payment of pension to him along with the arrears, if any.

G.S.SINGHVI, C.J.

March 21, 2007

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